International Seabed Authority ISBA/21/A/INF/4

Assembly

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Request for observer status in accordance with rule 82, paragraph 1 (d), of the rules of procedure of the Assembly on behalf of the Pacific Community

Note by the secretariat

1. On 26 May 2015, the Director General of the Pacific Community submitted a letter to the Secretary-General of the International Seabed Authority, requesting, inter alia, observer status in the Assembly of the Authority to replace the Pacific Islands Applied Geoscience Commission. The text of the letter and additional information provided by the applicant are contained in annexes I and II to the present note.

2. In accordance with rule 82, paragraph 1 (d), of the rules of procedure of the Assembly, intergovernmental organizations, such as the Pacific Community, may participate as observers in the Assembly if invited by the Assembly.

3. It is to be noted that, should observer status be granted by the Assembly, the Pacific Community will replace the Pacific Islands Applied Geoscience Commission as observer to the Assembly. The Pacific Islands Applied Geoscience Commission, which was granted observer status in the Assembly in 1997, no longer exists as an independent organization; it has been merged with and subsumed into the Pacific Community.

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Annex I

Letter dated 26 May 2015 from the Director General of the Pacific Community, Colin Tukuitonga, addressed to the Secretary-General of the International Seabed Authority

This is my first letter to you as Director General of the Pacific Community and, as such, I wish to first express to you and your organization my sincere appreciation for the valuable cooperation between the International Seabed Authority and the Pacific Community over many years. The cooperation has assisted Pacific island States in addressing key challenges associated with the exploration and exploitation of the resources of the Area and has supported their efforts to regulate and manage activities undertaken under their effective control in accordance with international rules, regulations and procedures.

The relationship between the International Seabed Authority and the Pacific Community draws on the long-standing relationship established between the Authority and what was, at the time, the Pacific Islands Applied Geoscience Commission, which was granted observer status in the Assembly of the Authority in March 1997. On that basis, the Pacific Islands Applied Geoscience Commission co-hosted a workshop with the Authority in Fiji in 2003, and its senior representatives attended events of the Authority until 2009. It was merged with the Community in January 2011 and became the Geoscience Division of the Community. The Authority, in collaboration with the Community through the Secretariat of the Pacific Community-European Union Deep Sea Minerals Project and with the Government of Fiji, organized a second workshop in Fiji in 2011. It is worth noting that a former Director of the Pacific Islands Applied Geoscience Commission, Alfred Simpson, was a member of the Legal and Technical Commission of the Authority, and that the former Director of the Geoscience Division of the Community, Russell Howorth, is the current Chair of the Legal and Technical Commission.

The partnership and the collaboration between the International Seabed Authority and the Pacific Community over past years have been very successful and many Pacific island States have benefited as a result. In fact, since the inaugural regional consultation workshop of the Secretariat of the Pacific Community-European Union Deep Sea Minerals Project in 2011, the relationship between our organizations has been steadily reinforced.

Given the many developments in the deep sea minerals sector in recent years, particularly in the Pacific Islands region, I feel that it is necessary and appropriate to formalize the status of the Pacific Community as an observer in the Assembly of the International Seabed Authority in place of the Pacific Islands Applied Geoscience Commission, taking into account the fact that the latter has legally ceased to exist and has been merged with the Community.

In line with the above, I respectfully request that the Assembly of the International Seabed Authority give due consideration to the present situation and recognize that the Pacific Islands Applied Geoscience Commission no longer exists as an independent organization, that the Commission has been merged with and subsumed into the Pacific Community and that the Pacific Community is therefore

authorized to participate as an observer in the Assembly under the provisions of rule 82, paragraph 1 (d), of the rules of procedure of the Assembly.

I also wish to invite the International Seabed Authority to formalize its relationship with the Pacific Community through the signing of a memorandum of understanding, which will strengthen the cooperation between our organizations with the aim of promoting:

(a) The development of regional and national regulatory frameworks that support the interests of Pacific island States and their efforts to regulate and manage activities undertaken under their effective control in the Area;

(b) Marine scientific research, including the publication and dissemination of the results of research and analysis for the mutual benefit of the member States of the International Seabed Authority and the Pacific Community;

(c) Capacity-building and information sharing in the light of the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 and the Agreement relating to the Implementation of Part XI thereof, specifically with regard to marine scientific research (article 143), the transfer of technology (article 144 and section 5 of the annex to the Agreement), the participation of developing States in activities in the Area (article 148), policies relating to activities in the Area (article 150) and economic assistance to developing countries (section 7 of the annex to the Agreement).

Following discussions between our respective teams, a draft memorandum of understanding has been finalized and has been submitted for your consideration. I respectfully wish to request that the draft instrument be submitted to the Assembly of the International Seabed Authority at its twenty-first session, in July 2015.

Once again, I would like to express my appreciation for the partnership the Pacific Community has enjoyed with the International Seabed Authority over past years and I look forward to working with you in strengthening our cooperation in the future.

(*Signed*) Colin **Tukuitonga**
Director General
Pacific Community

Annex II

International Seabed Authority observer status request

Name of organization

Pacific Community

Address of office

Secretariat of the Pacific Community
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New Caledonia

Name and address of proposed primary representatives

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Aims and purpose of the Pacific Community

The mission of the Pacific Community is to help people in the Pacific islands to position themselves to respond effectively to the challenges they face and make informed decisions about their future and the future they wish to leave for the generations that follow.

History

The South Pacific Commission, as the Pacific Community was called formerly, was founded in 1947 under the Canberra Agreement by the six participating Governments that then administered territories in the Pacific Ocean: Australia, France, the Netherlands, New Zealand, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The organization was established to restore stability to a region that had experienced the turbulence of the Second World War, to assist in administering the dependent territories and to benefit the people of the Pacific region.

In 2015, the Pacific Community has 26 members, 17 of which are members of the International Seabed Authority, namely, Australia, the Cook Islands, Fiji, France, Kiribati, the Marshall Islands, Micronesia (Federated States of), Nauru, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.

In January 2011, the Pacific Islands Applied Geoscience Commission, established in 1972 as a regional project of the United Nations Development Programme before becoming an independent intergovernmental organization in 1990, merged with the Pacific Community. Since that date, the Community, through

its Geoscience Division, has focused on the assessment of geographical resources, including deep sea minerals, and of hydrocarbon potential, on marine and coastal geoscience surveys, on water resources management and on geohazard assessment.

Since 2011, representatives of the Pacific Community have been attending meetings of the International Seabed Authority within the ambit of the observer status granted to the Pacific Islands Applied Geoscience Commission in March 1997. It is also worth noting that a former Director of the Pacific Islands Applied Geoscience Commission, Alfred Simpson, was a member of the Legal and Technical Commission of the Authority, and the former Director of the Geoscience Division of the Community, Russell Howorth, is the current Chair of the Legal and Technical Commission. Both individuals served as Chairs of the Legal and Technical Commission very capably, and, during their tenure, the Authority saw the passage and adoption of all of its current regulations on prospecting and exploration for polymetallic nodules, polymetallic sulphides and cobalt-rich ferro-manganese crusts in the Area.

Recent activities

Pacific island States are committed to ensuring that deep sea mining will contribute to the long-term economic sustainability and social development of the people of the Pacific region. To that end, the Pacific leaders have mandated the Pacific Community, through the Secretariat of the Pacific Community-European Union Deep Sea Minerals Project,[a] to assist them in developing regulatory frameworks, building national capacities and ensuring environmental management frameworks are in place to verify the responsible management of their deep sea mineral resources. The Project also involves the provision of technical advice and assistance to enable the participating countries to make informed decisions about potential deep sea mining within their national jurisdictions and in the Area.

The activities undertaken since 2011 by the Pacific Community through the Secretariat of the Pacific Community-European Union Deep Sea Minerals Project complement the objectives of the International Seabed Authority. The Community provides assistance to Pacific island States engaging in activities relating to deep sea minerals to develop relevant regulatory frameworks and institutional arrangements that should enable them to meet their international obligations with regard to the activities that may be conducted in areas within their national jurisdictions and in the Area. The assistance includes ensuring that Pacific island States have in place an effective environmental management and monitoring regime for any offshore exploration and mining activities. As part of the Project, countries have been advised on joint ventures, contract negotiations and applications to the Authority.

[a] In 2011, the Pacific Community and the European Union established a four-year project to provide support and assistance to 15 countries pertaining to the Pacific States of the European Union grouping for African-Caribbean-Pacific countries (the Cook Islands, Fiji, Kiribati, the Marshall Islands, Micronesia (Federated States of), Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu) in deep sea mining within their national jurisdictions. More information is available at http://gsd.spc.int/dsm/.

National consultation workshops

The Project involved several consultation workshops, including national consultations in the 15 Pacific States of the European Union grouping for African-Caribbean-Pacific countries, in order to discuss various issues and concerns relating to deep sea minerals and mining (see table). The workshops provided an opportunity to identify and agree on national deep sea mineral priorities and challenges collectively.

Location and dates of national consultation workshops

Country	*Location*	*Date*
Cook Islands	Rarotonga	11 April 2012
Fiji	Suva	28 March 2012
Kiribati	Tarawa	October 2011
Marshall Islands	Majuro	28 June 2012
Micronesia (Federated States of)	Pohnpei	3 July 2012
Nauru	Yaren District	5 October 2011
Niue	Alofi	3 April 2012
Palau	Koror	10 July 2012
Papua New Guinea	Port Moresby	2 May 2013
Samoa	Apia	8 March 2012
Solomon Islands	Honiara	23 May 2012
Timor-Leste	Dili	23 October 2012
		17 November 2014
Tonga	Nuku'alofa	1 February 2012
Tuvalu	Funafuti	9 May 2012
Vanuatu	Port Vila	16 May 2012
		6 October 2014

Technical training workshops

The Project delivered a series of highly successful regional training workshops that have helped to build governance capacity and engage key stakeholders in the decision-making process for deep sea mineral resources. The regional technical training programme included a series of one-week regional training workshops where world-leading experts were invited to share their knowledge with participants from Governments, civil society organizations, local communities and the private sector.

As at May 2015, regional training workshops have been organized on the following issues:

- Geological, technological, biological and environmental aspects of deep sea minerals (Fiji, August 2012)
- Law and contract negotiations for deep sea minerals (Tonga, March 2013)
- Social impacts of deep sea mineral activities and stakeholder participation (Vanuatu, June 2013)
- Environmental management for deep sea minerals (Fiji, December 2013)
- Fiscal regime and revenue management of deep sea minerals (Cook Islands, May 2014).

In 2015, training workshops will be organized on the following issues:

- Policy formulation and legislative drafting (Samoa, May 2015)
- Fiscal regime and revenue management of deep sea minerals (continuation, July 2015)
- Environmental management (September 2015).

National awareness-raising initiatives

The Project provided financial support for a number of national activities to raise public awareness on issues relating to deep sea mineral resources. Major awareness activities being carried out to date include a national deep sea minerals youth debate in the Cook Islands in 2013; a community consultation and awareness initiative conducted on the central-west coast of New Ireland, Papua New Guinea; national deep sea mineral consultations in the four states of the Federated States of Micronesia in July 2014; a national debate on deep sea minerals in Suva in August 2014; a national consultation on the draft deep sea minerals policy in Vanuatu that was conducted in Port Vila in October 2014; national consultations and awareness in the Marshall Islands to review the national law on deep sea minerals in April 2015; and ongoing deep sea mineral awareness-raising in Kiribati and Tonga via radio, television, local newspapers and school visits.

Internships and other capacity-building opportunities

The Project involves a commitment to build the capacity of Pacific island nationals of all the participating countries in the emerging sector of deep sea minerals and offers various options for capacity-building and training.

In addition to the regional training workshops mentioned above, internships are offered to recent graduates in the fields of law and the environment. Currently, 19 interns from 10 different Pacific island States have been placed in the Project.

In addition, an adapted version of the internship is offered to law officers for an intensive two-week placement with the Project in Suva. Government officials receive tailored training and guidance in relevant general practice work for their country. Nine Government officials from six Pacific island States have benefited from this training to date.

Since 2013, the Pacific Community, through the Project, has been collaborating with the Authority in organizing a one-month annual internship for Government officials of Pacific island States at the headquarters of the Authority. Four official representatives from the Cook Islands, Fiji, Kiribati and Tonga have taken part in the internship programme to date.

Descriptive statement of the extent to which the purposes of the Pacific Community relate to those of the International Seabed Authority, including, in particular, the contributions that can be made to the progress of the Authority

The Pacific Community and the International Seabed Authority have been working closely and successfully over the years to raise the awareness of Pacific island States and the international community of key challenges associated with the exploration and exploitation of resources of the Area.

The history and development of the Authority since its establishment in 1994 has involved several Pacific island States, in particular Fiji and Papua New Guinea. It is worth noting that the first Secretary-General of the Authority, Satya Nandan, is of Fiji, and both Fiji and Papua New Guinea have chaired the Council and Assembly of the Authority over the past 20 years. In addition, one of the regional organizations serving the Pacific region, the Pacific Islands Applied Geoscience Commission (now the Geoscience Division of the Community), has been granted observer status in the Assembly. Since 2011, the Community and the Authority have cooperated more closely through the Secretariat of the Pacific Community-European Union Deep Sea Minerals Project.

It is anticipated that the fostering of cooperation between the Community and the Authority would not only further benefit all Pacific island States, but also enhance their representation at the Authority with the view to promoting the Pacific region's voice at the international level and raising the profile of issues of interest, such as securing maximum benefits from the regime in the Area for Pacific small island developing States.

In line with the above, the Pacific Community and the Authority would work in close collaboration with the aim of:

(a) Promoting the development of regional and national regulatory frameworks that support the interests and efforts of member States to regulate and manage activities undertaken under their effective control in the Area;

(b) Promoting marine scientific research, including the publication and dissemination of results of research and analysis, for the mutual benefit of the member States of the Pacific Community;

(c) Promoting capacity-building and information sharing in the light of the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, specifically article 143 (Marine scientific research), article 144 (Transfer of technology), article 148 (Participation of developing States in activities in the Area) and article 150 (Policies relating to activities in the Area), and section 5 (Transfer of technology) and section 7 (Economic assistance) of the annex to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982.